

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD**

**AMENDED FINDINGS IN THE MATTER OF A COMPLAINT REGARDING THE
PEOPLE FOR (MARI) POKORNOWSKI COMMITTEE**

Procedural Background

Campaign Finance and Public Disclosure Board (“Board”) staff reviewed the People for (Mari) Pokornowski Committee’s (“the Committee’s”) Report of Receipts and Expenditures for calendar year 2002 and found that the committee accepted contributions from special sources (registered lobbyists, political committees and political funds, and large givers, as defined by Minn. Stat. §10A.27, subd. 11) in excess of the applicable limit.

The Committee’s report disclosed that the Committee accepted \$6,220.27 in contributions from special sources (\$1,045.27 in contributions from registered lobbyists, \$3,850 from political committees and political funds and \$1,325 from large givers). This amount exceeded by \$744.27 the applicable special source limit for this candidate which was \$5,476.

On May 7, 2003, Board staff informed the committee of the potential violation. Merle Larson, treasurer, responded by letter dated May 12, 2003, and stated “after speaking with Ms. Pokornowski, it was clear that neither of us were aware of the limitation spelled out in statute 10A.27, subd. 11. . . The Campaign Disclosure Reports were filed honestly detailing all sources of the donations we received.”

On May 29, 2003, the Board offered the Committee a conciliation agreement to remedy the inadvertent violation of Minn. Stat. §10A.27, subd. 11. No response was received from the Committee. Minn. Stat. §10A.28, subd. 4, requires that if the Board is unable to conciliate a matter after a reasonable time, the Board must issue public findings of probable cause. On July 1, 2003, the Board issued public findings of probable cause directing the Committee to return to special source contributors an amount sufficient to bring the Committee into compliance with Minn. Stat. §10A.27, subd. 11. The Board directed the Committee to provide the Board with copies of the checks and the accompanying letters within thirty days. No response from the Committee was received.

On August 27, 2003, the Board approved amending the July 1, 2003, findings to include a civil penalty in lieu of returning the excess contributions to the contributors.

The Board considered this matter in executive sessions on May 28, 2003, June 25, 2003, and August 27, 2003. The Board’s decision was based upon Board records and Mr. Larson’s response.

Based on the record before it, the Board issues the following:

EVIDENTIARY FINDINGS

1. Minn. Stat. §10A.27, subd. 11, limits the amount a candidate for state representative can accept from special sources to twenty percent of the expenditure limit for the office

sought by the candidate. In calendar year 2002, the special source limit for this candidate was \$5,476

2. In calendar year 2002, the People for (Mari) Pokornowski Committee accepted \$6,220.27 in contributions from special sources, thereby exceeding the special source limit by \$744.27.

Based on the above Statement of the Evidence, the Board makes the following:

FINDINGS CONCERNING PROBABLE CAUSE

1. There is probable cause to believe that the People for (Mari) Pokornowski Committee violated Minn. Stat. §10A.27, subd. 11, when it accepted \$744.27 in excess contributions from special sources in calendar year 2002.

Based on the above Findings, the Board issues the following:

ORDER

1. In lieu of forwarding the above finding of probable cause to the Wright County Attorney to pursue a judgment in district court, the Board imposes a civil fine of \$744.27 on the People for (Mari) Pokornowski Committee, for acceptance of contributions from special sources in excess of the applicable limit for calendar year 2002.
2. The People for (Mari) Pokornowski Committee is directed to forward to the Board payment of the civil fine, by check or money order payable to the State of Minnesota, within ten days of receipt of this order.
3. If Mari Pokornowski does not comply with the provisions of this order, the Board's Executive Director shall refer this matter to the Wright County Attorney for civil enforcement pursuant to Minn. Stat. §10A.28, subd.4.
4. The Board investigation of this matter is hereby made a part of the public records of the Board pursuant to Minn. Stat. §10A.02, subd. 11, and upon payment by the People for (Mari) Pokornowski of the civil fine imposed herein, this matter is concluded.

Board staff shall provide a copy of these findings to Ms. Pokornowski.

Dated: _____

Clyde Miller, Chair
Campaign Finance and Public Disclosure Board